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ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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11/14/02
FILED
HARRISBURG, PA

United States Fidelity and :
Guaranty Company :
v. : Hon. Christopher Conner
: Deputy Clerk
Bruce J. Brown and Brown, Schultz :
Sheridan & Fritz : No: 01-CIV-813

JOINT MOTION FOR LEAVE TO FILE BRIEFS IN
EXCESS OF FIFTEEN PAGES

Pursuant to Local Rule 7.8, the parties seek leave to file briefs in excess of the fifteen page limit and set forth the following in support thereof:

1. This is an action in which Plaintiff, United States Fidelity & Guaranty Company ("USF&G"), issued surety credit to CCI Construction Company ("CCI") and now seeks to recover damages from the defendant accountants for alleged negligent misrepresentations contained in three years of audited financial statements prepared by defendants for CCI.
2. Plaintiff claims that it issued 19 sets of payment and performance bonds to CCI Construction Company in reliance on financial statements for the years ended December 31, 1996, 1997 and 1998 audited by defendants and alleges it has sustained over \$31,000,000 in losses as a result.
3. Defendants filed a motion for summary judgment raising a number of complex

legal issues.

4. Magistrate Smyser's report and recommendation recommended that judgment be granted in defendants favor with regard to the 1996 audit report and denied with respect to the 1997 and 1998 audit reports.

5. In order to set forth full and complete arguments in support of defendants' objections to the report and recommendation, a brief of more than fifteen pages is required.

6. In order to respond to the arguments raised by defendants concerning the magistrate's report and recommendation plaintiff will require in excess of fifteen pages.

WHEREFORE, the parties request that they be permitted to exceed the fifteen page limit imposed by the local rules in connection with defendants' brief in support of their Objections to the Magistrate's Report and Recommendation and plaintiff's brief in response thereto.

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ATTORNEYS FOR PLAINTIFF

Dated: November 12, 2002

CERTIFICATE OF SERVICE

I, Kathleen M. Carson, Esquire, counsel for defendants, Bruce J. Brown and Brown, Schultz Sheridan & Fritz, hereby certify that a copy of the joint motion for leave to file briefs in excess of fifteen pages was served upon all counsel listed below by facsimile and first class U.S. mail, postage prepaid on November 11, 2002.

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Date: November 12, 2002